

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

FORM EXEMPT UNDER 44 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No. 32-RD-1597 Date Filed 9/21/10

INSTRUCTIONS Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

- 1 PURPOSE OF THIS PETITION (if box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☐ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☒ RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees (Check one) ☐ In unit not previously certified ☐ In unit previously certified in Case No. _____
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. _____ Attach statement describing the specific amendment sought.

2 Name of Employer Lewis, Feinberg, Lee, Renaker & Jackson		Employer Representative to contact Phillip Wells	Tel No (510) 839-6824
3 Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 476 9th Street, Oakland, CA 94607		Fax No (510) 839-7839	
4a Type of Establishment (Factory, mine, wholesaler, etc.) Law Office	4b Identify principal product or service Legal Services	Cell No.	e-Mail
5 Unit Involved (In UC petition, describe present bargaining unit and attach description of proposed clarification) Included All full-time and regular part-time paralegals, legal assistants, administrative assistants, file clerks, and receptionists Excluded All other employees, guards, and supervisors as defined in the Act		6a Number of Employees in Unit Present 8 Proposed (By UC/AC)	
(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)		6b Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC	

- 7a ☐ Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state)
- 7b ☐ Petitioner is currently recognized as Bargaining Representative and desires certification under the Act

8 Name of Recognized or Certified Bargaining Agent (If none, so state) Office and Professional Employees International, Local 29		Affiliation AFL-CIO	200 SEP 21 PM 12:54 RECEIVED ALBANY REGION 32 OAKLAND, CA
Address 1321 Harbor Bay Parkway, Suite 104, Alameda, CA 94502	Tel No 510-995-1429	Date of Recognition or Certification 08/25/2010	
	Cell No	Fax No 510-995-1440	
9. Expiration Date of Current Contract If any (Month, Day, Year) NA	10 If you have checked box UD in 1 above, show here the date of expiration of agreement granting union shop (Month, Day and Year)		
11a Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	11b If so, approximately how many employees are participating? NA		
11c The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____			

12 Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above (If none, so state)

Name	Address	Tel No	Fax No
		Cell No	e-Mail

13 Full name of party filing petition (If labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

14a Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	14b Tel No. EXT (b) (6), (b) (7)(C)	14c Fax No
	14d Cell No.	14e e-Mail

15 Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)

I declare that I have read the above petition and that the statements are true (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
Name (Print) (b) (6), (b) (7)(C)	Title (if any) An individual		
Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	Fax No.		
	Cell No	eMail	

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes

COPY SENT NLRB
Date 9/21/10 By [Signature]

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

LEWIS, FEINBERG, LEE, RENAHER & JACKSON

Employer

and

(b) (6), (b) (7)(C), an Individual

Petitioner

and

OFFICE and PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 29

Union

Case 32-RD-1597

Date of Mailing:
September 21, 2010

AFFIDAVIT OF SERVICE OF PETITION AND NOTICE OF HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by **FIRST CLASS** mail upon the following persons, addressed to them at the following addresses:

Mr. Phillip Wells
Lewis, Feinberg, Lee, Renaker & Jackson
476 9th Street
Oakland, CA 94607
Fax: (510)839-7839

(b) (6), (b) (7)(C)

Served Via U.S. Mail

Mr. Bill Lann Lee, Esq
Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
1330 Broadway, Suite 1800
Oakland, CA 94607
Fax: (510)839-7839

Mr. William Klink
Organizer/Business Representative
Office & Professional Employees International Union,
Local 29, AFL-CIO
1321 Harbor Bay Parkway, Suite 104
Alameda, CA 94502
Fax: (510)995-1440

Subscribed and sworn to before me this
21st day of September, 2010.

DESIGNATED AGENT

Norma R. Alcober
/s/ Norma R. Alcober

NATIONAL LABOR RELATIONS BOARD

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON

Employer

and

(b) (6), (b) (7)(C), an Individual

Case 32-RD-1597

Petitioner

and

OFFICE and PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION, LOCAL 29

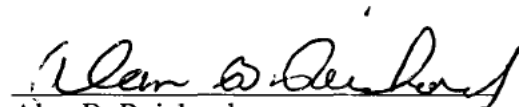
Union

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Section 3(b) and 9(c) of the Act, at 9:00 a.m., on September 29, 2010, and on consecutive days thereafter until concluded at the Regional Office, National Labor Relations Board, 1301 Clay Street, Suite 300N, Oakland, California, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing the parties will have the right to appear in person or otherwise, and give testimony. (Form NLRB-4669, *Statement of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board Pursuant to Petitions Filed Under Section 9 of the National Labor Relations Act, as Amended*, is attached.)

Signed at Oakland, California, on September 21, 2010.



Alan B. Reichard
Regional Director, Region 32
National Labor Relations Board
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Attachments

**SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE
THE NATIONAL LABOR RELATIONS BOARD PURSUANT TO PETITIONS FILED
UNDER SECTION 9 OF THE NATIONAL LABOR RELATIONS ACT**

The hearing will be conducted before a Hearing Officer of the National Labor Relations Board.

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. *(Copies of exhibits should be supplied to the Hearing Officer and other parties at the time the exhibit is offered in evidence.)* After the close of the hearing, one or more of the parties may wish to have corrections made in the record. All such proposed corrections, either by way of stipulation or motion, should be forwarded to the Regional Director or to the Board in Washington *(if the case is transferred to the Board)* instead of to the Hearing Officer, inasmuch as the Hearing Officer has no power to make any rulings in connection with the case after the hearing is closed. All matter that is spoken in the hearing room will be recorded by the official reporter while the hearing is in session. In the event that any party wishes to make off-the-record remarks, requests to make such remarks should be directed to the Hearing Officer and not to the official reporter.

Statements of reasons in support of motions or objections should be as concise as possible. Objections and exceptions may, on appropriate request, be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

All motions shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order of relief sought and the grounds for such motion. An original and two copies of written motions shall be filed with the Hearing Officer and a copy thereof immediately shall be served on the other parties to the proceeding.

The sole objective of the Hearing Officer is to ascertain the respective positions of the parties and to obtain a full and complete factual record on which the duties under Section 9 of the National Labor Relations Act may be discharged by the Regional Director of the Board. It may become necessary for the Hearing Officer to ask questions, to call witnesses, and to explore avenues with respect to matters not raised by the parties. The services of the Hearing Officer are equally at the disposal of all parties to the proceedings in developing the material evidence.

At the close of hearing, any party who desires to file a brief may do so in the appropriate manner described below.

1. Briefs filed with the Regional Director

Unless transfer of the case to the Board is announced prior to close of hearing, the brief should be filed in duplicate with the Regional Director. A copy must also be served on each of the other parties and proof of such service must be filed with the Regional Director at the time the briefs are filed. Briefs submitted are to be double-spaced on 8½ by 11 inch paper.

The briefs shall be filed within 7 days after the close of the hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

A request for an extension of time made after the close of the hearing must be received by the Regional Director, in writing, as much in advance of the date the briefs are due as possible and copies thereof must be served on the other parties by the same or faster method as used to file with the Regional Director (see 102.114 of Board's Rules).

2. Briefs filed with the Board in Washington, D.C.

a. If transfer of case to the Board is announced at the hearing

Should any party desire to file a brief with the Board, eight copies thereof shall be filed with the Board in Washington, D.C. Immediately on such filing, a copy shall be served on each of the other parties. Proof of such service must be filed with the Board simultaneously with the briefs. Such brief shall be printed on otherwise legibly duplicated: Provided, however, that carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. No reply brief may be filed except on special leave of the Board. Any brief filed after transfer of the case to the Board shall be double-spaced on 8½ by 11 inch paper.

The briefs shall be filed within 7 days after the close of hearing unless an extension of time, not to exceed an additional 14 days on request made for good cause, before the hearing closes, is granted by the Hearing Officer. Briefs must be filed in accordance with the provisions of Section 102.111(b) of the Board's Rules. Facsimile transmission of briefs is not permitted.

b. Transfer of cases to the Board effected after close of hearing

Pursuant to Section 102.67 of the Board's Rules, the Regional Director may, at any time after the close of hearing and before decision, transfer a case to the Board for decision. The order transferring the case will fix a date for filing briefs in Washington, D.C.

If a brief has already been filed with the Regional Director, the parties may file eight copies of the same brief with the Board in the same manner as set forth in "a," above, except that service on other parties is not required. No further briefs shall be submitted except by special permission of the Board.

If the case is transferred to the Board before the time expires for filing of briefs with the Regional Director and before the parties have filed briefs, such briefs shall be filed as set forth in "a," above.

c. Request for extension of time to file briefs with the Board

A request for an extension of time to file briefs with the Board in Washington, D.C., made after the close of hearing must be received by the Executive Secretary's Office in Washington as much in advance of the date the briefs are due as possible but in any event no later than the close of business on the due date. Such request must be in writing and a copy shall be served immediately on each of the other parties and the Regional Director and shall contain a statement that such service has been made.

As provided in Section 102.114(a) and (e) of the Board's Rules and Regulations, service on all parties of a request for an extension of time shall be made in the same or faster manner as that utilized in filing the paper with the Board; however, when filing with the Board is accomplished by facsimile transmission or by personal service, the other parties shall be promptly notified of such action by facsimile transmission or by telephone, followed by service of a copy personally or by overnight delivery service.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case 32-RD-1597

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds thereafter must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; *and*
- (5) Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

The Notice of Hearing was served by first class mail on September 21, 2010, to the following parties:

Mr. Phillip Wells
Lewis, Feinberg, Lee, Renaker & Jackson
476 9th Street
Oakland, CA 94607

(b) (6), (b) (7)(C)

Mr. Bill Lann Lee, Esq.
Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
1330 Broadway, Suite 1800
Oakland, CA 94607

Mr. William Klinke
Organizer/Business Representative
Office & Professional Employees International Union, Loca
AFL-CIO
1321 Harbor Bay Parkway, Suite 104
Alameda, CA 94502



NATIONAL LABOR RELATIONS BOARD

Region 32

Ronald V. Dellums Federal Building & Courthouse

1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Telephone: 510/637-3300

FAX: 510/637-3315

Website: www.nlr.gov

32-R-15

September 11, 2009

(b) (6), (b) (7)(C)

**Re: Lewis, Feinberg, Lee, Renaker & Jackson
Case 32-RD-1597**

Board Agent: Chris J. Roberts

Telephone Number: (510)637-3294

E-mail Address: Chris.Roberts@nlrb.gov

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of the Petition which you filed and has been assigned the above case number and will be investigated by the above-named Board agent whose telephone number and E-mail address are also listed above. Please note that the agent may be unable to access E-mails when the agent is away from the office. For that reason, you are encouraged to submit all your evidence to the agent through the Agency's E-Filing system, described below. On all correspondence regarding this petition, please include the case name and number indicated above.

If you or your representative has not yet spoken with the Board agent assigned regarding this petition, please call the Board agent. If you are a non-English speaker and need assistance, please inform the Board agent assigned to this case.

Procedures: If you have an E-mail address, please provide that address to the agent in order to expedite our communication with you.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully Electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-filing system on its website: <http://www.nlr.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

Enclosed Form NLRB 4812 briefly explains the procedures followed in the processing of representation cases, such as the petition in this case, and explains your right to be represented if you choose. This form and the forms to designate a representative are available the Regional Office or on the Agency's website, <http://www.nlr.gov>. Customer service standards concerning the processing of representation cases are available upon request from the Regional Office or by clicking the Public Notice button on the Agency's website.

^{1/}The National Labor Relations Board will provide assistance to individuals with limited English. If you or anyone involved in this case is in need of assistance due to their limited English, please advise this Office as soon as possible.

La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

September 11, 2009

Notice of Hearing: If it appears the petition is appropriate and the parties have not made a firm commitment to waive hearing and consent to the conduct of an election by this office, a **Notice of Hearing is attached hereto providing for a hearing to be conducted on September 29, 2010, at 9:00 a.m. at the Regional Office, National Labor Relations Board, 1301 Clay Street, Suite 300N, Oakland, CA.**

Right to Representation: Attention is called to your right, and the right of any party, to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board and the courts. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete the enclosed Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as representative is chosen. In view of our policy of processing these cases expeditiously, in the event you exercise your right to be represented by counsel or other representative, you should do so promptly.

If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Casehandling Manual, Part Two, Representation Proceedings, Section 11008.7, available on the Agency's internet web page www.nlr.gov. However your attorney may consent to have documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance. If your representative is not an attorney, you and your representative may receive copies of all documents and correspondence.

Submission of Information: If you have already done so, please submit within forty eight hours copies of all correspondence and contracts, if any, between the Employer and your organization bearing upon the question of representation of the petitioned-for employees. You are also requested to notify the Board agent at once the name of any interested party who should be apprised of the proceeding, such as another labor organization claiming to represent any of the employees in the proposed unit or an employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may affect the processing of the petition to a final conclusion. If potential voters will need notices or ballots translated into a language other than English, please advise the Board agent of the names of those languages and dialects, if applicable.

Representative to Receive List of Eligible Voters: If an election is agreed to or directed in this case, the Board requires that the Employer file with this office a list of names and addresses of all the eligible voters. I will then make that list available to all other parties to the case. As only one copy of the list will be available for each party, please advise the Board agent promptly of the representative to whom the list is to be submitted. Absent notice to the contrary, the list will be submitted to the addressee of this letter at the above-listed address.

Information for Employees: The Board believes that employees should have readily available information about their rights and proper conduct of employee representation elections. Accordingly, we have asked the employer to post a Notice of Employees, Form NLRB 5492 (8-95), copy enclosed, which explains employees' basic rights under the National Labor Relations Act. We have prepared the pamphlet "Your Government Conducts an Election" which you or the employer may distribute to employees. The pamphlet is available at www.nlr.gov/publicat.html or from our office. You may reproduce copies of the Notice and the pamphlet for distribution to employees, provided they are not modified in any way.

Freedom of Information Act: Please be advised that under the freedom of Information Act, Unfair Labor Practice charges and Representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board: their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,



Alan B. Reichard
Acting Regional Director

Enclosure(s)



NATIONAL LABOR RELATIONS BOARD

Region 32

Ronald V. Dellums Federal Building & Courthouse

1301 Clay Street, Suite 300N

Oakland, CA 94612-5224

Telephone: 510/637-3300

FAX: 510/637-3315

Website: www.nlr.gov

R-20

September 21, 2010

Mr. Phillip Wells
Lewis, Feinberg, Lee, Renaker & Jackson
476 9th Street
Oakland, CA 94607

**Re: Lewis, Feinberg, Lee, Renaker & Jackson
Case 32-RD-1597**

Dear Mr. Wells:¹

Enclosed is a copy of Form NLRB-502, Petition, under Section 9(e)(1) of the National Labor Relations Act which has been filed this office. Also enclosed is a copy of Form NLRB-4812, "Parties Involved in a Representation Petition," explaining the manner in which representation petitions are processed by this Agency. Investigation of this matter is assigned to Board Agent Chris J. Roberts, (510)637-3294, E-mail Chris.Roberts@nlrb.gov. Please note that the agent may be unable to access E-mails when the agent is away from the office. For that reason, you are encouraged to submit all your evidence to the agent through the Agency's E-Filing system, described below, which is accessible to the agent's supervisor and others in the office. On all correspondence regarding this charge, please include the case name and number indicated above.

Procedures: The National Labor Relations Act requires the prompt resolution of questions concerning representation. Because this is an integral part of our mission, these cases are prioritized and resolved as expeditiously as possible

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully Electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-filing system on its website: <http://www.nlr.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

If the Board has jurisdiction, the parties may execute a standard agreement for an election fixing the date, time and place and the classifications to be included in the appropriate unit. All such elections are conducted by an agent of the Board. In the event there is no agreement for an election, a formal investigatory hearing may be held before a hearing officer of the Board.

¹ The National Labor Relations Board will provide assistance to individuals with limited English. If you or anyone involved in this case is in need of assistance due to their limited English, please advise this Office as soon as possible.

La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

Notice of Hearing: Consistent with the Agency's efforts to ensure the expeditious resolution of questions concerning representation, please be advised that in the event it is determined that a formal investigatory hearing is necessary it is our intention to conduct that hearing. **A Notice of Hearing is attached hereto providing for a hearing to be conducted on September 29, 2010, at 9:00 a.m. at the Regional Office, National Labor Relations Board, 1301 Clay Street, Suite 300N, Oakland, CA.** Requests for the postponement of the hearing will be granted only for good cause and consistent with the requirements set forth in the Form NLRB-4338, Notice, which is enclosed with this letter. For purposes of Section 102.114(d) of the Board's Rules and Regulations, I am granting permission to the parties to file postponement request with me by facsimile transmission. The hearing, once commenced, will be conducted on consecutive days, until completed, unless the most compelling circumstances warrant otherwise. I advise the parties of these requirements at this time so that they may begin their preparations for them.

Right to Representation: Attention is called to your right, and the right of any party, to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board and the courts. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete the enclosed form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as a representative is chosen.

In view of our policy of processing these cases expeditiously, in the event you exercise your right to be represented by counsel or other representative, you should do so promptly.

If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Casehandling Manual, Part Two, Representation Proceedings, Section 11008.7, available on the Agency's internet web page www.nlr.gov. However, your attorney may consent to have additional documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance. If your representative is not an attorney, you and your representative may receive copies of all documents and correspondence.

Requested Information: In order to assist us in our investigation, please submit the following information immediately:

1. Commerce information, which may be furnished on the enclosed Form NLRB-5081, Questionnaire on Commerce information. An extra copy of the form is enclosed for your files.
2. An alphabetized list of employees described in the petition together with their job classifications, for the payroll period immediately preceding the date of this letter. This list is to be used to resolve possible eligibility and unit questions as well as to determine the adequacy of the Petitioner's showing of interest.
3. Copies of correspondence and existing or recently expired contracts, if any, covering employees in the unit alleged in the petition. Names of any other labor organization(s) claiming to represent any of the employees in the proposed unit.
4. Your position as to the appropriateness of the unit.

It has been our experience that the exchange of information made possible by providing the list of employees requested in paragraph 2 above to all parties to the case is an excellent aid in resolving many of the eligibility and unit questions that arise during case processing. Accordingly, I encourage you both to provide the list as requested in paragraph 2, and to permit me to provide the list to the other parties. Please state in your return correspondence whether you intend to provide the list and whether I may provide it to the other parties.

Please be advised that in addition to the list of employees requested in paragraph 2 above, in the event an election is agreed to or directed in this case, a list of the full names and address of all the eligible voters must be filed by the Employer with the undersigned who will in turn make it available to all parties to the case. The

list must be furnished to the undersigned within seven (7) days of the direction of election or approval of an agreement to conduct an election. I am advising you now of this requirement so that you have ample time to prepare for the eventuality that such list may become necessary.

Information for Employees: It has been our experience that by the time a petition such as this one has been filed, employees may also have questions about what is going on and what may happen. At this stage in the handling of this case, we, of course, do not know what disposition will be made of the petition, but experience tells us that an explanation of rights, responsibilities and Board procedures can be helpful to your employees. The Board believes that employees should have readily available to them information about their rights and the proper conduct of employee representation elections. At the same time, employers and labor organizations should be apprised of the responsibilities to refrain from conduct which could impede employees' freedom of choice. Accordingly, you are requested to post the enclosed from NLRB-5492, Notice to Employees, in conspicuous places in areas where employees such as those described in the enclosed petition work. Please advise me where in your facility you posted the notice. A copy of this notice is also being made available to the labor organizations(s) involved. In the event an election is not conducted, pursuant to this petition, you are requested to remove the posted notice. In the event an election is conducted, Section 103.20 of the Board's Rules and Regulations requires that the Employer post the Notice of Election in conspicuous places at least three (3) full working days prior to the date of election. In addition, I am enclosing two (2) copies of the pamphlet "Your Government Conducts an Election" for distribution to employees and to supervisory personnel. Additional copies of the pamphlet will be furnished upon request.

Freedom of Information Act. Please be further advised that under the freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board: their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of representation cases have been published by our Agency and are available on our Agency's website at www.nlr.gov and under *Public Notices*.

Very truly yours,



Alan B. Reichard
Regional Director

Enclosure(s)

Mr. Bill Lann Lee, Esq.
Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
1330 Broadway, Suite 1800
Oakland, CA 94607



NATIONAL LABOR RELATIONS BOARD

Region 32

Ronald V. Dellums Federal Building & Courthouse
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Telephone: 510/637-3300
FAX: 510/637-3315
Website: www.nlrb.gov

32-R-16
September 21, 2010

Mr. William Klinke
Organizer/Business Representative
Office & Professional Employees International
Union, Local 29, AFL-CIO
1321 Harbor Bay Parkway, Suite 104
Alameda, CA 94502

**Re: Lewis, Feinberg, Lee, Renaker & Jackson
Case 32-RD-1597**

Dear Mr. Klinke:^{1/}

Enclosed please find a copy of the petition in the above-entitled case which has been assigned to Board Agent Chris J. Roberts, (510)637-3294, Chris.Roberts@nlrb.gov, for investigation. Your organization is designated as the recognized bargaining representative of the employees in the unit described therein.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully Electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

A Notice of Hearing is attached hereto providing for a hearing to be conducted on September 29, 2010, at 9:00 a.m. at the Regional Office, National Labor Relations Board, 1301 Clay Street, Suite 300N, Oakland, CA.

If this information is correct, please submit two copies of any contracts which your organization may have with the company relating to the employees referred to in the enclosed petition.

If appropriate to do so, considerable time and inconvenience may be saved by execution of an agreement by the parties providing for an election to be supervised by this office. If, on the other hand, a question concerning representation affecting commerce exists in which the issues cannot be resolved by mutual agreement of the parties, a hearing will be conducted promptly before a Hearing Officer of the National Labor Relations Board. In such case, a formal notice of hearing will be issued.

^{1/} The National Labor Relations Board will provide assistance to individuals with limited English. If you or anyone involved in this case is in need of assistance due to their limited English, please advise this Office as soon as possible.

La Junta Nacional de Relaciones de Trabajo proveerá asistencia a personas con ingles limitado. Si uno necesita asistencia debido a su ingles limitado, debe avisar a esta Oficina tan pronto posible.

September 21, 2010

Attention is called to your right to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board and the courts. In the event you choose to have a representative appear on your behalf, please have completed, enclosed "Notice of Appearance" Form NLRB-4701 and forward one promptly to this office. Failure to receive the Notice, we will assume that you do not choose to be so represented.

The Employer has been requested to post copies of the enclosed Notice to Employees in the area(s) where the involved employees are working.

Please be advised that under the freedom of Information Act, Unfair Labor Practice charges and Representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board: their information regarding this matter is only that which must be made available to any member of the public.

Customer service standards concerning the processing of representation cases have been published by our Agency and are available on our Agency's website at www.nlrb.gov and under *Public Notices*.

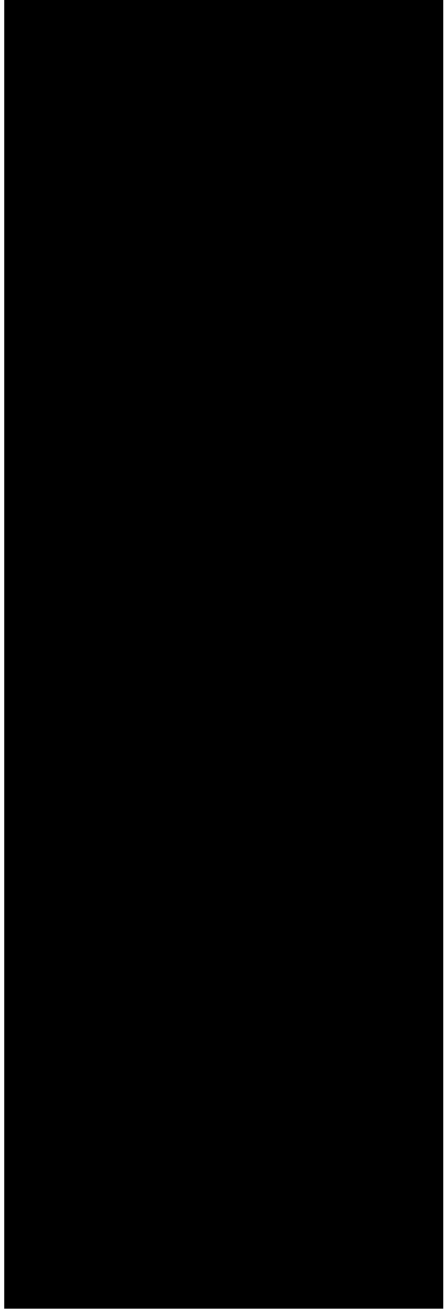
Very truly yours,



Alan B. Reichard
Regional Director

Enclosure(s)

(b) (6), (b) (7)(C)



UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

STIPULATED ELECTION AGREEMENT

The parties agree that a hearing is waived, that approval of this Agreement constitutes withdrawal of any notice of hearing previously issued in this matter, that the petition is amended to conform to this Agreement, and further **AGREE AS FOLLOWS:**

1. **SECRET BALLOT.** A secret-ballot election shall be held under the supervision of the Regional Director in the unit defined below at the agreed time and place, under the Board's Rules and Regulations.

2. **ELIGIBLE VOTERS.** The eligible voters shall be unit employees employed during the payroll period for eligibility, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off, employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements, and employees in the military services of the United States who appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the payroll period for eligibility, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. The employer shall provide to the Regional Director, within 7 days after the Regional Director has approved this Agreement, an election eligibility list containing the *full names and addresses* of all eligible voters. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB No. 50, fn. 17 (1994). The list text must be of sufficiently large type to be clearly legible.

3. **NOTICE OF ELECTION.** Copies of the Notice of Election shall be posted by the Employer in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

4. **ACCOMMODATIONS REQUIRED.** All parties should notify the Regional Director as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, and request the necessary assistance.

5. **OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

6. **TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

7. **POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

8. **RECORD.** The record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

9. **COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c). *Insert commerce facts:*

The Employer, Lewis, Feinberg, Lee, Renaker & Jackson, P.C., a California professional corporation with its principal office located in Oakland, California, is engaged in the practice of law for clients located throughout the United States.

During the past twelve months the Employer has received gross revenues in excess of \$250,000, and during the same period directly purchased and received services and products, valued in excess of \$5,000, from suppliers located outside of the State of California.

10. WORDING ON THE BALLOT. When only one labor organization is on the ballot, the choice shall be "Yes" or "No".

11. PAYROLL PERIOD FOR ELIGIBILITY.
The period ending September 16, 2010.

12. DATE, HOURS, AND PLACE OF ELECTION.

Date: Thursday, October 21, 2010

Time(s): 12:00 Noon to 12:30 PM

Location: Employer's premise
Small Third Floor Conference Room
476 9th Street
Oakland, California

13. THE APPROPRIATE COLLECTIVE-BARGAINING UNIT.

All full-time and regular part-time paralegals, legal assistants, administrative assistants, file clerks, and receptionists employed by the Employer at its Oakland, California offices; **excluding** all attorneys and all other employees, guards, and supervisors as defined in the Act.

Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
(Employer)

Office and Professional Employees International
Union, Local 29, AFL-CIO
(Labor Organization)

By /s/ Jeffrey Lewis 10/04/10
(Name) (Date)

By /s/ Bill Klinke 10/04/10
(Name) (Date)

Title President

Title Organizer

Recommended:

/s/ Christopher Roberts 10/05/10
(Board Agent) (Date)

(b) (6), (b) (7)(C)
(Petitioner)

By /s/ **(b) (6), (b) (7)(C)** 0/04/10
(Name) (Date)

Date approved 10/06/10

Title An Individual

/s/ Alan B. Reichard
Regional Director,
National Labor Relations Board

Case 32-RD-1597

VOTING UNIT

INCLUDED:

All full-time, regular part-time paralegals, legal assistants, administrative assistants, file clerks, and receptionists employed by the Employer at its Oakland, California offices during the payroll period ending September 16, 2010.

EXCLUDED:

All attorneys and all other employees, guards, and supervisors as defined in the Act.

DATE, HOURS, AND PLACE OF ELECTION

Date: Thursday, October 21, 2010

Hours

12:00 Noon to 12:30 PM

Place

Employer's premises
Small Third Floor Conference Room
476 9th Street
Oakland, California



UNITED STATES OF AMERICA
National Labor Relations Board



OFFICIAL SECRET BALLOT

For certain employees of

LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

Do you wish to be represented for purposes of collective bargaining by –

OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 29, AFL-CIO?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES

☐

NO

☐

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.

If you spoil this ballot return it to the Board Agent for a new one.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

NATIONAL LABOR RELATIONS BOARD
ELECTION ORDER SHEET☐ DEFENSE ☒ NON-DEFENSE

1. CASE NAME

Lewis, Feinberg, Lee, Renaker + Jackson, P.C.

2. CASE NUMBER

32-RD-1597

3. BOARD AGENT

C. Roberts

4. DATE

10/5/10

5. ELECTION:

ALL ELECTIONS:

☐ CONSENT☒ STIPULATED☐ BOARD DIRECTED☐ RD DIRECTED☐ 8(b)(7)

SELF-DETERMINATION ELECTIONS:

☐ SEVERANCE☐ RESIDUAL☐ PROFESSIONAL☐ DANIEL FORMULA☐ MAIL BALLOT (IF MAIL BALLOT, SEE REMARKS ITEM 119)

IF RD DIRECTED, IS ELECTION DATE WITHIN 25 DAYS OF ISSUANCE OF DIRECTION?

☐ YES ☐ NO

IF "YES," HAS WAIVER OF RIGHT TO PETITION BOARD FOR REVIEW BEEN SECURED?

☐ YES ☐ NO

IF DIRECTED, ARE THERE CHALLENGES PURSUANT TO THE DECISION?

☐ YES ☐ NOIS STRIKE IN PROGRESS? ☐ YES ☒ NO

DATE OF ELECTION

TIME AND PLACE (Polling Area, Address, City & State)

NO. OF POLLING
PLACESThursday,
October 21,
2010

12:00 Noon to 12:30 PM

①

ER's premises

Small Third Floor Conference Room

476 9th Street Oakland, California

IF MORE THAN ONE POLL, WHERE WILL COUNT TAKE PLACE?

6. PAYROLL PERIOD ENDING

September 16, 2010

7. UNIT: AS SET FORTH IN

Stip

8. BALLOTS: Number Needed

Approx. 900

8(A). FOREIGN LANGUAGE BALLOT(S) NECESSARY? ☐ YES ☒ NO

INCUMBENT UNION (If none, so state)

OPEIU, Local 29

LANGUAGE(S)

ORDER IN WHICH NAMES ARE TO APPEAR ON BALLOT WHERE MORE THAN ONE UNION IS INVOLVED

(Note: Refer to Direction of Election or Election Agreement for actual wording of names on ballots or notices of election)

(1)

(2)

(3)

(4)

9. NOTICES: TO BE RECEIVED BY 10/14/10 TO ENSURE
POSTING BY EMPLOYER FOR THREE FULL WORKING DAYS.9(A). FOREIGN LANGUAGE NOTICE(S) NECESSARY? ☐ YES ☒ NO
LANGUAGE(S)

SEND LETTER DATE SENT NO. OF NOTICES DATE SENT SEND TO (Name and Address; indicate which Party) (Also indicate parties to receive letter requesting list, confirming election details, transmitting agreement, etc. by checking box at left.)

<input checked="" type="checkbox"/>		200		ER/Wells, and ER/Jeffery Lewis (2)
<input checked="" type="checkbox"/>		1		Petitioner
<input checked="" type="checkbox"/>		1		Local 29

10. ELECTION AGREEMENT:

COPIES HANDED TO PARTIES

☐ YES☒ NO

IF "NO" IS CHECKED, COPIES SHOULD BE SENT FROM REGIONAL OFFICE

11. ELIGIBILITY LIST: (Exclusion Requirement)

ARE SEPARATE ELIGIBILITY LISTS NEEDED FOR POLLS THAT ARE OPEN SIMULTANEOUSLY?

☐ YES ☒ NO☒ EMPLOYER HAS AGREED TO FURNISH LIST PRIOR TO 7TH DAY. DATE DUE DATE RECEIVED 10/1/10☒ LIST IN FILE. ☐ EMPLOYER REFUSES TO FURNISH LIST, UNION WANTS TO PROCEED WITHOUT LIST.☐ OTHER (Explain)☒ LIST TO BE SENT TO PICKED-UP BY (Circle):

(b) (6), (b) (7)(C)

PETITIONER, DATE SENT/PICKED-UP (Circle):

INTERVENOR, DATE SENT/PICKED-UP (Circle):

12. OTHER PENDING CASES HAVE BEEN CHECKED FOR BEARING ON THIS CASE

[ALSO SEE #14].

IS "C" CASE PENDING?

☐ YES☒ NO

HAS REQUEST TO PROCEED BEEN SECURED?

☐ YES☐ NO

13. VOTING ARRANGEMENTS (Check)

VOTERS WILL BE RELEASED BY: ☐ OBSERVERS ☐ BOARD AGENT ☒ SUPERVISORS
 VOTING WILL TAKE PLACE: ☐ ACCORDING TO ATTACHED SCHEDULE ☒ DURING WORKING HOURS ☒ ON EMPLOYEES' OWN TIME
☐ OTHER ARRANGEMENTS (Specify) _____
 ARE FOREIGN LANGUAGE INTERPRETERS NECESSARY? ☐ YES ☒ NO LANGUAGES _____
 IS THIS A LARGE OR COMPLEX ELECTION? ☐ YES ☒ NO IF YES, IS VOTER IDENTIFICATION NECESSARY? ☐ YES ☐ NO

14. BOARD AGENT NUMBER OF BOARD AGENTS NEEDED: 1
 HOLDING ELECTION: Chris Roberts IS THIS AGENT INVOLVED IN A RELATED UNFAIR LABOR PRACTICE INVESTIGATION? ☐ YES ☐ NO IF YES, IS IT FEASIBLE TO ASSIGN THE ELECTION TO ANOTHER AGENT? ☐ YES ☐ NO
 ELECTION KIT WILL BE MADE AVAILABLE ORO ON 10/18/10
 (Place) (Date)

15. PRE-ELECTION CONFERENCE? ☒ YES ☐ NO ER's facility, Small Third Floor Conference Room
10/21/10 @ 11:30 AM (Place and Date)

16. EQUIPMENT: QUANTITY FURNISHED
1 BOOTHS ORO
4 CHAIRS ETC
2 TABLES ER
1 BALLOT BOXES ORO

SPECIAL EQUIPMENT (Specify):

Flag

17. AUTHORITATIVE COMPANY REPRESENTATIVE Jeffery Lewis, Esq. 510 839-6824
 (Include phone number)

18. OBSERVERS:

FOR COMPANY

To be designated

FOR UNION

" " "FOR PetitionerSelf

19. REMARKS: IF SPECIAL OR UNUSUAL CIRCUMSTANCES, PLEASE LIST BELOW - COMMUNICATE ANY CHANGES TO THE ELECTION SECTION.

This election held following Board Notice in Case 32-VR-30.

MAIL BALLOT ELECTIONS OR MIXED MANUAL-MAIL ELECTION

WILL EMPLOYER PROVIDE MAILING LABELS? ☐ YES ☐ NO

DATE MB KITS TO BE SENT TO EMPLOYEES _____ NOTIFY PARTIES AT LEAST 11 DAYS PRIOR _____

DATE TO NOTIFY RO IF NOT RECEIVED _____ DATE TO BE RETURNED TO RO _____

DATE TO BE COUNTED _____ TIME AND PLACE TO BE COUNTED _____

(Include city and state)

IS A FOREIGN LANGUAGE TRANSLATION BEING UTILIZED ON THE NOTICE OF ELECTION? ☐ YES ☐ NO IF YES, ARE FURTHER ARRANGEMENTS NECESSARY TO ENSURE APPROPRIATE RESPONSES CAN BE MADE TO TELEPHONE INQUIRIES? ☐ YES ☐ NO



NATIONAL LABOR RELATIONS BOARD

Region 32

Ronald V. Dellums Federal Building & Courthouse
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Telephone: 510/637-3300

FAX: 510/637-3315

Website: www.nlr.gov

October 6, 2010

(b) (6), (b) (7)(C)

Mr. Bill Klinke, Organizer
Office & Professional Employees International
Union, Local 29, AFL-CIO
1321 Harbor Bay Parkway, Suite 104
Alameda, CA 94502

Re: Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
Case 32-RD-1597

Dear Gentilepersons:

Enclosed is a copy of the conformed election agreements in the above matter, which I have approved on October 6, 2010. In accordance with the requirement set forth in Excelsior Underwear, Inc., 156 NLRB 1236 (NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969); North Macon Health Care Facility 315 NLRB 359 (1994), an election eligibility list containing the full names and addresses of all eligible voters, has been submitted to this office by the Employer.

A copy of that list is being provided to the parties to the following proceedings. Please check the list at the earliest possible moment and advise this office immediately of any names which should be added to or deleted from the lists. If within five days no corrections are suggested, we will assume that all parties are in agreement with the list as submitted.

The election is scheduled on Thursday, October 21, 2010, at 12:00 noon to 12:30 p.m., at the Employer's premises, Small Third Floor Conference Room, located at 476 9th Street, Oakland, California. A Notice of Election will be mailed to your from this office in adequate time to allow three days posting prior to the election.¹

¹ See attachment "Posting Notice of Election."

Case 32-RD-1597
October 6, 2010
Page 2

If you have any questions, please contact the Regional Office, telephone number (510)637-3294.

Very truly yours,


Alan B. Reichard
Regional Director

Enclosure(s)

cc: (Only copy of conformed Stipulated Election Agreement enclosed)

Mr. Jeffrey Lewis, Esq.
Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
1330 Broadway, Suite 1800
Oakland, CA 94607

Mr. Phillip Wells
Office Manager
Lewis, Feinberg, Lee, Renaker & Jackson, P.C/
476 9th Street
Oakland, CA 94607

POSTING OF NOTICE OF ELECTION

PART 193-- OTHER RULES

1. The authority citation for 29 CFR Part 163 is revised to read as follows:

Authority. Sec. 6 National Labor Relations Act as amended (29 U.S.C. 151, 158) and Section 553 of the Administrative Procedure Act (5 U.S.C. 500.553).

2. Part 103 is amended by adding Subpart B, consisting of Sec. 103.20 to read as follows:

Subpart B - Election Procedures

Sec. 103.20 Posting of Election Notices

(a) Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Office in the mail. In all cases the notices shall remain posted until the end of the election.

(b) The term "working day" shall mean an entire 24-hour period excluding Saturdays, Sundays, and holidays.

(c) A party shall be estopped from objecting to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Office at least 5 working days prior to 12:01 a.m. of the day of the election that it has not received copies of the election notice.

(d) Failure to post the election notices as required herein shall be grounds for setting aside the election whenever proper and timely objections are filed under the provisions of Sec. 102.69(a).



UNITED STATES OF AMERICA
National Labor Relations Board



OFFICIAL SECRET BALLOT

For certain employees of

LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

Do you wish to be represented for purposes of collective bargaining by –

OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 29, AFL-CIO?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES
<input type="checkbox"/>

NO
<input type="checkbox"/>

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.

If you spoil this ballot return it to the Board Agent for a new one.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



UNITED STATES OF AMERICA
National Labor Relations Board



OFFICIAL SECRET BALLOT

For certain employees of

LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

Do you wish to be represented for purposes of collective bargaining by –

OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 29, AFL-CIO?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES
<input type="checkbox"/>

NO
<input type="checkbox"/>

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.

If you spoil this ballot return it to the Board Agent for a new one.

The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.

Office & Professional Employees International Union | Local 29
AFL-CIO & CLC

Tamara R. Rubyn, President/Business Manager | Patricia G. Sanchez, Secretary-Treasurer/Business Representative

October 7, 2010

Sent Via Facsimile (510) 637-3315 & First Class Mail

Alan B. Reichard,
Regional Director
National Labor Relations Board
Region 32
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Re: Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
Case 32-RD-1597

Dear Mr. Reichard:

Effective immediately, Office and Professional Employees International Union, Local 29 hereby disclaims interest in representing any employees at Lewis, Feinberg, Lee, Renaker & Jackson, P.C. for the purposes of Collective Bargaining.

Sincerely yours,

Bill Klinke

Bill Klinke
Organizer/Business Representative

cc: Jeffrey Lewis, Esq.
(b) (6), (b) (7)(C)

BK/ (Lewis Fein/NLRB)cwa.9415/afl-cio



NATIONAL LABOR RELATIONS BOARD

Region 32

Ronald V. Dellums Federal Building & Courthouse
1301 Clay Street, Suite 300N
Oakland, CA 94612-5224

Telephone: 510/637-3300

FAX: 510/637-3315

Website: www.nlr.gov

Lead Board Agent: (510)637-3294, Email Address,
Chris.Roberts@nlrb.gov

October 21, 2010

Via Facsimile & U.S. Mail

Mr. Phillip Wells
Office Manager
Lewis, Feinberg, Lee, Renaker & Jackson, P.C
476 9th Street
Oakland, CA 94607

Mr. Jeffrey Lewis, Esq.
Lewis, Feinberg, Lee, Renaker &
Jackson, P.C.
1330 Broadway, Suite 1800
Oakland, CA 94607

**Re: Lewis, Feinberg, Lee, Renaker & Jackson, P.C.
Case 32-RD-1597**

Dear Gentilepersons:

The Union has disclaimed interest in representing employees for the purposes of collective bargaining. I have approved on October 21, 2010, the withdrawal requested by the Petitioner in the above-captioned case.

The election scheduled for October 21, 2010, is canceled. The Employer is requested to post a copy of this letter in places where notices to employees are normally posted.

If you have any questions, please call Christopher Roberts, (510)637-3294.

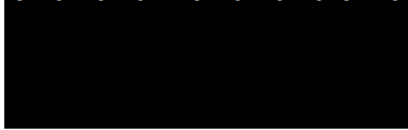
Very truly yours,

Alan B. Reichard
Regional Director

cc:

Mr. Bill Klinke
Organizer/Business Representative
Office & Professional Employees International Union
Local 29, AFL-CIO
1321 Harbor Bay Parkway, Suite 104
Alameda, CA 94502

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
National Labor Relations Board
Region 32

Memorandum

To: Alan B. Reichard, Regional Director
From: Chris Roberts, Board Agent
Date: October 21, 2010
Subject: Lewis, Feinberg, Lee, Renaker & Jackson, P.C.

ml
10/21/10

(b) (6), (b) (7)(C), Petitioner

(Office and Professional Employees International Union, Local 29,
AFL-CIO)

Case 32-RD-1597

**RECOMMENDATION FOR APPROVAL of W/D REQUEST and
LETTER of ELECTION CANCELLATION to EMPLOYER**

The Petitioner has decided to withdraw the petition in this case because the Union, by its October 7, 2010 letter, disclaimed interest in representing employees for the purposes of collective bargaining.

OPE Local 29 Representative Bill Klinke

(b) (5)

A copy of his disclaimer letter is attached. I spoke with Petitioner (b) (6), (b) (7)(C) after (b) (6), (b) (7)(C) receipt of the letter. (b) (6), (b) (7)(C) agreed that it is no longer necessary to conduct an election and withdrew (b) (6), (b) (7)(C) petition.¹ (b) (6), (b) (7)(C) informed me that the Union has not engaged in any activities that are inconsistent with their disclaimer.

Accordingly, I recommend approval of the Petitioner's request to W/D the instant petition.

The election is scheduled for today, October 21, 2010. No Notice of Election was issued in this case, because of the disclaimer. A letter to the Employer, advising employees that today's election was canceled due to the disclaimer of interest and Petitioner's withdrawal of the petition, should be sent by FAX to the Employer immediately.

CR
C.R. 2

¹ The petition was filed following the posting of the Notice in case 32-VR-30.

ORAL WITHDRAWAL REQUEST FORM

RE: Lewis, Fernberg, Lee, Penaker + Jackson, P.C.

CASE NO: 32-RD-1597

ON 10/18/10 IN A TELEPHONE CONVERSATION,
(DATE)

Petitioner,
(b) (6), (b) (7)(C) A INFORMED THE UNDERSIGNED
(b) (6), (b) (7)(C)

BOARD AGENT THAT (b) (6), (b) (7)(C) DESIRED TO WITHDRAW THE
ABOVE-REFERENCED CHARGE PETITION AND AUTHORIZED
WITHDRAWAL ON AN ORAL BASIS.

Christy A. Roberts
(SIGNATURE OF BOARD AGENT)

WITHDRAWAL REQUEST APPROVED

Alan B. Richard

10/21/2010
(DATE)